

Notice of Allowability

Application No.

09/788,500

Examiner

William J. Allen

Applicant(s)

LAO ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed 7/20/2007.
2. ☒ The allowed claim(s) is/are 147-196 and 199-249.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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DETAILED ACTION

Prosecution History Summary

Claims 1-146 have been canceled previously.

Claims 147-249 are pending.

Claims 151-152, 154, 158-196, 202-204, 206, 210-246, and 248 were previously withdrawn and are hereby rejoined as set forth below.


Claims 197-198 are hereby canceled.

Claims 147-196 and 199-249 are allowable for at least the reasons set forth below.

Response to Appeal

In view of the Appeal Brief filed on July 20, 2007, PROSECUTION IS HEREBY REOPENED. The Examiner further notes that the amendment filed after final on June 13, 2007 is hereby entered with this action. The noted claims are allowable for at least the reasons below.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


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SUPERVISORY PATENT EXAMINER
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Rejoinder

Claims 151-152, 154, 158-198, 202-204, 206, 210-246, and 248 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Claims 151-152, 154, 158-196, 202-204, 206, 210-246, and 248, depending either directly or indirectly from claims 147, 199, and 249, have been rejoined as of this office action as being drawn to claims requiring all the limitations of an allowable claim.

This application is in condition for allowance except for the presence of claims 197-198, directed to an invention non-elected with traverse in the reply filed on 8/18/2005. These claims are hereby canceled by the Examiner Amendment set forth below pursuant to MPEP 821.01 as they are not eligible for rejoinder.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of known elements in the prior art. The allowable features are as follows:

Regarding independent claims 147, 199, and 249, the noted prior art fails to teach, alone or in combination, the specific relationship of the publishing and distributing systems. More specifically, the claims utilize a rights specification identifier along with at least one piece of additional information (e.g. description, metadata, etc.), the rights specification identifier and additional information being provided by the publishing system to the distributors system. This rights specification identifier is evaluated by a distributor system against pre-defined rules of the distributor system along with the additional information to determine the interest of the distributor system in the publishable content. The publishing system is subsequently notified by the distributor system of whether the distributor is interested, and in response to a notification that the distributor is indeed interested, the publishing system further provides metadata and a rights specification to said one of the plurality of distributor systems, the metadata including identification and descriptive data of the content and the rights specification including at least one of distribution rights, usage rights, and rights conditions. Such a combination of features as a whole is not found in the prior art.

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The Examiner additionally notes applicant remarks on pages 7-12 of the Appeal Brief filed July 20, 2007.

Claims 148-196 and 200-248 depend either directly or indirectly from allowable claims 147, 199, and 249, and are thereby allowable for at least the reasons above.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Examiner Amendment/Comments

Title

The title has been amended to read as follows:

--Method, System, and Computer Readable Medium for Automatically Publishing Content--

Drawings

The drawings were received on 2/10/2005. These drawings are accepted.

In the Claims

Claims 197-198 are hereby canceled.

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Conclusion

The following prior art made is hereby made of record as it is considered pertinent to applicant's disclosure:

Non-patent Literature references PTO 892 U teaches ContentGuard's "eBook" system which helps online bookstores and publishers create electronic publications for consumers. PTO 892 U, however, lacks sufficient detail to teach or render obvious the above noted features.


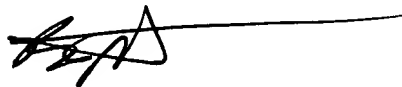
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
October 9, 2007



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